

IPW



Practitioner's Docket No. HES 2000-IP-002115U1P2

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_  
Inventor(s)

for \_\_\_\_\_  
Title of invention

**OR**

In re application of: Karen Luke et al.

Application No.: 0 10/686,098

Group Art Unit: 1755

Filed: October 15, 2003

Examiner: unknown

For: Zeolite-Containing Cement Composition

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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Sheila Gibbs

Signature

Sheila Gibbs

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Date: 5-10-04

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. 1.98(b):

(1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.

(2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.

(3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.

(4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.

(5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

**WARNING:** No extension of time can be had under 37 C.F.R. § 1.136 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39). See also § 609, M.P.E.P., 8th Edition.

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

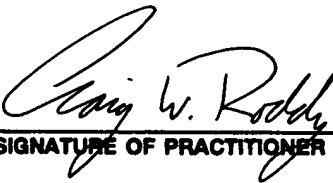
**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

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**SIGNATURE OF PRACTITIONER**

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 3 of 3)



**PATENT**  
**HES 2000-IP-002115U1P2**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Karen Luke et al.	)	
		)	Art Unit: 1755
		)	
Serial No.:	10/686,098	)	
		)	
Filed:	October 15, 2003	)	Examiner: unknown
		)	
For:	ZEOLITE-CONTAINING CEMENT	)	
	COMPOSITON	)	

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

SIR:

The following documents are known to Applicants or Applicants' attorneys and are submitted for the Examiner to consider in the above-captioned application.

**U. S. PATENTS**

U.S. Patent No. 1,943,584 issued January 16, 1934 to Roy Cross.

U.S. Patent No. 3,887,385 issued June 3, 1975 to Bernardus B. Quist et al.

U.S. Patent No. 4,435,216 issued March 6, 1984 to Manfred Diehl et al.

U.S. Patent No. 5,383,967 issued January 24, 1995 to Raymond S. Chase.

U.S. Patent No. 5,435,846 issued July 25, 1995 to Hidenobu Tatemarsu et al.

U.S. Patent No. 6,145,591 issued November 14, 2000 to Virgilio G Bancan et al.

U.S. Patent No. 6,230,804 B1 issued May 15, 2001 to Dan T. Mueller et al.

U.S. Patent No. 6,508,305 B1 issued January 21, 2003 to Harold D. Brannon et al.

U.S. Patent No. 6,565,647 B1 issued May 20, 2003 to Wilfred J. Day et al.

U.S. Patent No. 6,626,243 B1 issued September 30, 2003 to Virgilio C. Go Boncan.

U.S. Patent No. 6,475,275 B1 issued November 5, 2002 to Edward Nebesnak et al.

U.S. Patent No. 6,235,809 B1 issued May 2, 2001 to Gino F. DiLullo Arias et al.

**UNITED STATES PATENT APPLICATION PUBLICATION**

United States Patent Application Publication No. US 2002/0077390 A1 published June 20, 2002 to Pascal Gannon et al.

United States Patent Application Publication No. US 2002/0091177 A1 published July 11, 2002 to Pascal Gannon et al.

United States Patent Application Publication No. US 2003/0203996 A1 published October 30, 2003 to Pascal Gannon et al.

United States Patent Application Publication No. US 2002/0157575 A1 published October 31, 2002 to Gino A. DiLullo et al.

United States Patent Application Publication No. US 2004/0007162 A1 published January 15, 2004 to Minoru Morioka et al.

United States Patent Application Publication No. US 2004/0040475 A1 published March 4, 2004 to Robi De La Roij.

United States Patent Application Publication No. US 2002/0117090 A1 published August 29, 2002.

**FOREIGN PATENTS**

Canadian Patent No. 2,153,372 published January 9, 1996.

PCT Patent Application No. WO 01/70646 A1 published September 27, 2001.

European Patent Application No. EP 0 1260 491 A1 published November 27, 2002.

France Patent No. 763.998 published November 16, 1933.

**OTHER MATERIAL**

Japanese abstract No. JP52117316 published January 10, 1977.

Japanese abstract No. JP 10110487 published April 28, 1998.

Paper entitled "Zeolite P In Cements" Its Potential For Immobilizing Toxic And  
Radioactive Waster Species" by M. Atkins et al., dated 1994.

Abstract No. SU 1373781 A published February 15, 1988.

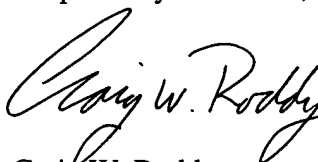
Powder Diffraction File, PFD, Alphabetical Indexes for Experimental Patterns, Inorganic  
Phases, Sets 1-52, dated 2002.

Foreign communication from a related counterpart application dated March 25, 2004.

Office action from a related counterpart application dated December 4, 2003.

Copies of the aforementioned references and Form PTO-1449 are submitted herewith.

Respectfully submitted,



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FORM PTO-1449 (Modified)

LIST OF PATENTS AND PUBLICATIONS  
FOR APPLICANT'S INFORMATION  
DISCLOSURE STATEMENT

(Use several sheets if necessary)

ATTY. DOCKET NO.  
2000-IP-002115U1P2SERIAL NO.  
10/686,098APPLICANT  
Karen Luke et al.FILING DATE  
October 15, 2003GROUP  
1755

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA	1,943,584	01/16/34	Cross	252	6	
	AB	3,887,385	06/03/75	Quist et al.	106	96	
	AC	4,435,216	03/06/84	Diehl et al.	106	97	
	AD	5,383,967	01/24/95	Chase	106	737	
	AE	5,435,846	07/25/95	Tatematsu et al.	106	813	
	AF	6,145,591	11/14/00	Boncan et al.	166	291	
	AG	6,230,804 B1	05/15/01	Mueller et al.	166	293	
	AH	6,508,305 B1	01/21/03	Brannon et al.	166	293	
	AI	6,565,647 B1	05/20/03	Day et al.	106	813	
	AJ	6,626,243 B1	09/30/03	Boncan	166	293	
	AK	6,475,275 B1	11/05/02	Nebesnak et al.	106	803	
	AL	6,235,809 B1	05/22/01	Arias et al.	523	130	

## FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Subclass	Translation	
							Yes	No
	AM	JP 52117316	01/10/77	Japan			X	
	AN	JP 1011487	04/28/98	Japan			X	
	AO	SU 1373781 A	02/15/88				X	
	AP	2,153,372	01/09/96	Canada	CO4B	18/12	X	
	AQ	PCT 01/70646 A1	09/27/01	PCT	CO4B	28/04	X	

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Paper entitled "Zeolite P In Cements: Its Potential For Immobilizing Toxic And Radioactive Waste Species," by M. Atkins, et al., dated 1994.
	AS	Powder Diffraction File, PFD, Alphabetical Indexes for Experimental Patterns, Inorganic Phases, Sets 1-52, dated 2002.
	AT	Foreign communication from a related counterpart application dated March 25, 2004

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM PTO-1449 (Modified)</b>  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)	ATTY. DOCKET NO. 2000-IP-002115U1P2	SERIAL NO. 10/686,098
	APPLICANT Karen Luke et al.	
	FILING DATE October 15, 2003	GROUP 1755

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA	US 2002/0077390 A1	06/20/02	Gonnon et al.	524	42	
	AB	US 2002/0091177 A1	07/11/02	Gonnon et al.	524	5	
	AC	US 2003/0203996 A1	10/30/03	Gonnon et al.	524	5	
	AD	US 2002/0157575 A1	10/31/02	DiLullo et al.	106	711	
	AE	US 2004/0007162 A1	01/15/04	Morioka et al.	106	714	
	AF	US 2004/0040475 A1	03/04/04	Roi j	106	819	
	AG	US 2002/0117090 A1	08/29/02	Ku	106	737	
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Subclass	Translation	
							Yes	No
	AM	EP 0 1260 491 A1	11/27/02	Europe	CO4B	28/02	X	
	AN	763.998	11/16/33	France				X
	AO							
	AP							
	AQ							

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Office Action from a related counterpart application date 12/04/2003.
	AS	
	AT	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.